

On January 28, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1651. Adulteration of dressed turkeys. U. S. v. 2 Barrels of Dressed Turkeys. Default decree of condemnation and destruction. (F. D. C. No. 3460. Sample No. 31224-E.)

Examination showed the presence of diseased and improperly bled turkeys in this shipment.

On December 2, 1940, the United States attorney for the Northern District of Illinois filed a libel against 2 barrels of dressed turkeys at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about November 15, 1940, by Goodrich & Searcy from Cresco, Iowa; and charging that the article was adulterated in that it was in whole or in part the product of diseased animals or of animals which had died otherwise than by slaughter.

On January 28, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1652. Adulteration of turkeys. U. S. v. 2 Barrels of Turkeys. Default decree of condemnation and destruction. (F. D. C. No. 3420. Sample No. 34474-E.)

Examination showed the presence of diseased turkeys.

On November 20, 1940, the United States attorney for the Southern District of New York filed a libel against two barrels of turkeys at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about November 6, 1940, by Valley Produce Co. from Timberville, Va.; and charging that it was adulterated in that it was in whole or in part the product of diseased animals.

On December 17, 1940, no claimant having appeared, judgment of condemnation and destruction was entered. On December 30, 1940, the decree was amended to permit delivery of a sample of the poultry to this Agency.

1653. Misbranding of canned boned chicken. U. S. v. 25 Cases of Canned Chicken. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 2742. Sample No. 32039-E.)

Examination of various samples of this product showed that it contained from 67.9 percent to 82.6 percent by weight of drained meat; whereas canned boned chicken should contain not less than 90 percent by weight of drained meat. It consisted of chicken meat and broth and was not labeled to indicate that fact.

On September 3, 1940, the United States attorney for the Southern District of California filed a libel against 25 cases of canned boned chicken at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about July 17, 1940, by the Mione Packing Co. from McMinnville, Oreg.; and charging that it was misbranded. The article was labeled in part: (Cans) "Iris Brand Fancy Boned Chicken * * * Haas, Baruch & Co., Los Angeles, Calif., Distributors."

The article was alleged to be misbranded in that its container was so filled as to be misleading since it did not contain the quantity of chicken meat expected, less than 90 percent of drained meat being present; and in that it was fabricated from two or more ingredients and the label did not bear the common or usual name of each ingredient.

On September 23, 1940, the Mione Packing Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be properly relabeled.

1654. Misbranding of chicken soup. U. S. v. 54 Cases of Chicken Soup. Default decree of condemnation and destruction. (F. D. C. No. 3418. Sample No. 55357-E.)

This product was found to be short of the declared weight and to contain undeclared artificial flavoring; and its label also failed to bear the common or usual name of each ingredient.

On November 19, 1940, the United States attorney for the Western District of Washington filed a libel against 54 cases, each containing 48 cans, of chicken soup at Seattle, Wash., alleging that the article had been shipped in interstate commerce from Portland, Oreg., by Stidd's, Inc., on or about June 13, 1940; and charging that it was misbranded. It was labeled in part: "Stidd's Concentrated Chicken Soup * * * contents 11 oz. avoirdupois."

The article was alleged to be misbranded in that (1) the statement "Contents 11 oz. avoirdupois" was false and misleading, since it was incorrect; (2) it was in

package form and did not bear an accurate statement of the quantity of contents; (3) it was fabricated from two or more ingredients and its label did not bear the common or usual name of each ingredient; and (4) it contained artificial flavoring but did not bear labeling stating that fact.

On January 31, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

DOG FOOD

1655. Adulteration and misbranding of Set-Up Dog Food. U. S. v. 25 Cases of Set-Up Dog Food. Consent decree of condemnation and destruction. (F. D. C. No. 3396. Sample No. 18667-E.)

This product contained smaller proportions of crude protein and fat than those declared on the label.

On November 16, 1940, the United States attorney for the District of Maryland filed a libel against 25 cases of Set-Up Dog Food at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about September 28, 1940, by the Packer Products Co. from Philadelphia, Pa.; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that a product containing an average of 4.61 percent of crude protein and 0.44 percent of crude fat had been substituted for a product containing a minimum of 6.50 percent of crude protein and 2 percent of crude fat.

Misbranding was alleged in that the statements "Analysis Crude Protein Minimum 6.5% Crude Fat Min. 2%" were false and misleading since they were incorrect.

On March 6, 1941, the claimant, Gardner E. Goldsmith, trading as the Packer Products Co., having withdrawn his answer and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

NUTS AND NUT PRODUCTS

1656. Adulteration of Brazil nuts. U. S. v. 137 Baskets and 74 Bags of Brazil Nuts. Default decree of condemnation and destruction. (F. D. C. No. 3365. Sample No. 28941-E.)

This product contained moldy and decomposed nuts.

On November 12, 1940, the United States attorney for the District of Maryland filed a libel against 137 40-pound baskets, 33 15-pound bags, and 41 10-pound bags of Brazil nuts at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about October 16 and 21, 1940, by Wm. A. Higgins & Co. from New York, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part "Sun-Glow."

On December 17, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1657. Adulteration of Brazil nuts. U. S. v. 3 Bags of Brazil Nuts. Default decree of condemnation and destruction. (F. D. C. No. 3446. Sample No. 34584-E.)

Examination showed that these nuts were in whole or in part moldy and decomposed.

On or about November 30, 1940, the United States attorney for the District of New Jersey filed a libel against three bags of Brazil nuts at Perth Amboy, N. J., alleging that the article had been shipped in interstate commerce on or about November 2 and 7, 1940, by Wm. A. Higgins & Co., Inc., from New York, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On April 18, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1658. Adulteration of Brazil nuts. U. S. v. 33 Cases of Brazil Nuts. Default decree of condemnation and destruction. (F. D. C. No. 3437. Sample No. 20729-E.)

This product was in whole or in part moldy and rancid.

On November 26, 1940, the United States attorney for the Southern District of Florida filed a libel against 33 cases of Brazil nuts at Jacksonville, Fla., alleging that the article had been shipped in interstate commerce by Red Line Commercial Co., Inc., from New York, N. Y., on or about October 5, 1940; and